

## LUDLOW PLAN IS KILLED AFTER PRESIDENT'S NOTE OF WARNING, 209 to 188

### War Referendum Hit as "Crippling" to U. S. Diplomacy.

### NO CHANCE SEEN FOR ENACTMENT

### Two-Thirds Vote for Amendments Held Unobtainable.

**BACKGROUND—**  
Forced out of committee by petition method, over opposition of administration, Ludlow proposal would require popular referendum before Nation could embark on any war other than defense of own possessions. Proposal was made originally in Democratic platform of 1924, as part of international scheme to prevent war. No other nation has such a requirement.

**By G. GOULD LINCOLN.**  
The House today by a vote of 209 to 188 turned down a motion to bring before that body the Ludlow resolution for a constitutional amendment providing for a referendum vote on war.

This action was taken after a letter from President Roosevelt strongly opposing the war referendum resolution, addressed to Speaker Bankhead, had been read to the House. In his letter, the President said: "Such an amendment to the Constitution as that proposed would cripple any President in his conduct of our foreign relations, and it would encourage other nations to believe that they could violate American rights with impunity."

The President added that he was convinced the resolution would set the United States into war rather than keep it out.

**Speaker Reads Letter.**  
The letter was read to the House by Speaker Bankhead, who left the rostrum to speak against the referendum. It was one of the rare instances he had taken the floor to discuss pending legislation.

The House leadership, on the Democratic side, united in opposition to the resolution and to having it brought before the body for consideration. In addition to Speaker Bankhead, Majority Leader Rayburn of Texas and Chairman O'Connor of the Rules Committee declared their strong opposition.

Only 10 minutes of debate was allowed on each side on the motion of Representative Ludlow, Democrat of Indiana, to discharge the Judiciary Committee from further consideration of the resolution. It had been before the committee for 18 months without any action being taken on it.

Even if the motion to discharge the committee had prevailed, it would require a two-thirds vote of both the House and the Senate to submit the proposed constitutional amendment to the States for ratification. Such a vote in both bodies of Congress could not be obtained, it was asserted today by leaders at the Capitol.

The vote on the motion to bring up the war referendum resolution split party lines wide open. Although the Democratic party leaders rallied in opposition to the discharge, many other Democrats supported it. On the Republican side, Representative Snell of New York, minority leader, voted against the resolution, and so did other widely known Republicans, including Representatives Wadsworth and Taber of New York and Luce of Massachusetts.

**Action Kills Plan.**  
The action of the House today effectively kills the war referendum resolution. During the special session of Congress in November and December, Representative Ludlow obtained 218 signatures, representing a majority of the House, to a petition recommending the discharge of the Judiciary Committee from further consideration of the resolution and that it be brought before the House for action.

Notwithstanding this act, the House today voted down the motion to discharge the committee. Ever since it became assumed that the House would act on the proposal, the President has let it be known that he opposed it.

Several weeks ago, former Gov. Landon of Kansas, Republican standard bearer in 1936, telegraphed the President that he, too, was strongly opposed to a war referendum amendment.

Mr. Rayburn, appealing to his colleagues on both sides of the chamber, (See CONGRESS, Page A-4)

### FIREMEN SAVE BISHOP FROM CHANCERY BLAZE

Joseph Albers, Michigan Prelate, Is Overcome by Smoke and Taken to Hospital.

**By the Associated Press.**  
LANSING, Mich., Jan. 10.—Firemen rescued Bishop Joseph H. Albers from the flaming chancery of the Lansing diocese of the Catholic Church today. Overcome by smoke, the bishop was taken to St. Lawrence Hospital, where attendants said he had not been burned, but had suffered from smoke inhalation and would remain temporarily in the hospital.

## Text of President's Letter

Roosevelt Addresses Special Message to Speaker Bankhead, Which Is Read in House in Opposition to Ludlow Resolution.

THE text of President Roosevelt's letter to Speaker Bankhead, opposing the Ludlow war referendum resolution, which the Speaker read to the House today, follows:

January 6, 1938.

My Dear Mr. Speaker:

In response to your request for an expression of my views respecting the proposed resolution for a referendum vote as a prerequisite to a declaration of war, I must frankly state that I consider that the proposed amendment would be impracticable in its application and incompatible with our representative form of government.

Our Government is conducted by the people through representatives of their own choosing. It was with singular unanimity that the founders of the republic agreed upon such free and representative form of government as the only practical means of government by the people.

Such an amendment to the Constitution as that proposed would cripple any President in his conduct of our foreign relations, and it would encourage other nations to believe that they could violate American rights with impunity.

I fully realize that the sponsors of this proposal sincerely believe that it would be helpful in keeping the United States out of war. I am convinced it would have the opposite effect.

Yours very sincerely,  
FRANKLIN D. ROOSEVELT.

## JUSTICE CARDOZO REMAINS SAME

### "Alarming" Heart Attacks Will Keep Him Abed for Some Time.

**By the Associated Press.**  
Dr. John Paul Earnest, Jr., said today the condition of Associate Justice Benjamin N. Cardozo was unchanged.

"There is absolutely no change in the justice since we gave the report yesterday," the physician said.

Dr. Earnest and consulting physicians disclosed yesterday that Justice Cardozo recently had suffered "alarming" heart attacks, but said he was showing improvement.

The declared, however, that the 67-year-old jurist, who has been ill for a month, would not be able to return to the Supreme Court bench for some time and must be kept "absolutely quiet."

Dr. Earnest issued this statement late yesterday after consulting with two heart specialists.

"Justice Cardozo had a severe attack of shingles beginning about a month ago. The acute pain from the shingles and his long confinement in bed have weakened the justice considerably."

"The weakened condition brought on heart attacks of some severity. These attacks occurred on several days during the past week and were alarming."

"While the justice's condition has been critical, he is now showing a slight improvement."

Consultations have been held almost daily, Dr. Earnest said, with Dr. Thomas S. Lee of Washington, and Dr. John H. Keating of New York, both of whom are heart specialists. Dr. Keating returned to New York yesterday.

Justice Cardozo, readily identified on the bench by his tousled white hair, suffered similar heart trouble in June, 1935, at Rye, N. Y., but fully recovered. He was appointed to the Supreme Court in 1932 by President Hoover, and has been one of the justices most sympathetic to Roosevelt administration legislation.

He is not expected to be back at work before January 18, when Justice George Sutherland retires. Unless President Roosevelt nominates the latter's successor before that time, there will be only seven active members on the court.

## Experts Ponder Hitler's Status On Rome Trip

### Ceremonies Hinge on Whether He Is Chief of State.

**By the Associated Press.**  
BERLIN, Jan. 10.—Reichsfuehrer Hitler's projected journey to Italy next May is puzzling learned experts in diplomatic usage who are trying to answer the question: Shall Hitler visit Rome as chief of state or as head of the government and the Nazi party?

It makes all the difference in the world, they believe, in what capacity Herr Hitler returns Premier Mussolini's visit of state last September.

If Herr Hitler enters Rome as Reichsfuehrer—the title recognized constitutionally as equivalent to the rank of President or Monarch—Vittorio Emanuele, King of Italy and Emperor of Ethiopia, would sit at his left in the drive through streets of the Italian capital.

## NICHOLS SUGGESTS DISTRICT RETAIN LEVY ON BUSINESS

### House Unit Head Also Won to Continuation of \$1.75 Realty Tax.

### PREPARED TO FIGHT LUMP SUM INCREASE

### Proposal to Retain Street Lighting Cost Hit by Chairman.

**By DON S. WARREN.**  
Continuation of the business privilege tax on gross receipts, coupled with retention of the \$1.75 realty tax, for another year was strongly suggested today by Chairman Nichols of the House District Fiscal Affairs Subcommittee.

At the outset of public hearings on the District's financial crisis, Mr. Nichols also gave blunt warning that his group was preparing to fight any proposal to increase the Federal payment to the National Capital above the present \$5,000,000.

Both Mr. Nichols and Representative Durkin, Republican of Illinois, protested that the business privilege levy had not received a fair trial. They insisted that although it had failed so far to measure up to revenue expectations, this did not necessarily mean it should be discarded.

**Another Meeting Scheduled.**  
The committee made no attempt to reach any conclusions and scheduled another meeting for tomorrow morning.

The proposal of the Budget Bureau to transfer the cost of the District's street lighting system from general revenues to the special gasoline tax and highway fund drew fire from Mr. Nichols.

The Budget Bureau suggestion for diversion of \$765,000 of the special highway fund was outlined by Commissioner Haven in calculating that the District faced a revenue deficit of between \$3,300,000 and \$5,000,000 for the next fiscal year.

**Denies Its Authority.**  
"But the Budget Bureau can't do that," said Mr. Nichols referring to the \$765,000 transfer plan.

"But they have done it," Mr. Haven replied.

"We're not talking about the Budget Bureau," Nichols said. "You mean that the Budget Bureau has proposed that transfer of the street lighting cost. What Congress does may be something else."

"That is so," said Mr. Haven, "but if Congress does permit the transfer of this cost to the highway fund, the result will be to increase the amount of the deficit which must be covered by new tax legislation."

Early in today's session, Mr. Nichols called on the Commissioners, Tax Assessor Fred D. Allen and other municipal officials to explain what had been the result of the operation of the 1937 Revenue Act. As a prelude to that consideration, however, he said:

"We have decided to proceed with hearings on the tax matters on the theory that the present \$5,000,000 (See TAXES, Page A-4)

## DISTRICT'S FIRST DAY

### WAIVED BY PALMISANO

### Consideration of Four Local Bills Automatically Put Off Until January 24.

The first so-called District day in the House of the present session of Congress today was waived by Chairman Palmisano of the District Committee, automatically postponing consideration of four local bills on the calendar until January 24.

After the House vote on the Ludlow anti-war referendum resolution, Majority Leader Rayburn announced he had reached an agreement with Mr. Palmisano to forego District day so the House could resume consideration of the independent offices appropriation bill.

The President tomorrow will resume his series of conferences with utility company leaders. The group, which he has arranged to confer in the morning includes Daniel C. Green of Chicago, president of the Central Service Corp. of Illinois; John Carpenter, Dallas, Tex., president of the Texas Power & Light Co.; and A. B. West, Reno, Nev., president of the Nevada-California Electric Corp.

The aim of the conferences has been to determine what the utility companies can do in the way of expansion to cooperate in plans for stimulating business.

The President discussed public utility matters also with Guy C. Myers of New York. This conference was arranged by J. D. Rose, one of the President's advisers on power, who is now head of the Bonneville Dam project.

**Many Telegrams on Speech.**  
Mr. Roosevelt was pleased with the number of telegrams he received at the White House yesterday and today congratulating him on the speech he delivered Saturday night at the Jackson Day dinner. The White House did not have the exact number, which came from all parts of the country, but it was said that their reaction was very favorable.

The Chief Executive had another conference today with Bernard Baruch, New York financier, who was his luncheon guest. Their last conference was less than two weeks ago.

The President's engagement list today also included Arthur B. Sherman of New York, an old Harvard classmate; Representative Koppelman of Connecticut, Assistant Secretary of State Sayre, who was accompanied by John H. Murray, one of the diplomats of the State Department, who has just returned from a mission to the Philippines.

## TWO DIE ON MANHATTAN

### Seaman Washed Overboard—Child Is Buried at Sea.

COBH, Ireland, Jan. 10.—The liner Manhattan of the United States Lines reported two deaths on her arrival today after a stormy voyage from New York.



TOO MANY JACKSON DAY DINNERS, MAYBE!

## JAPANESE CHIEFS TO SEE HIROHITO

### Konoye Calls Conference After China Policy Is Decided.

**BACKGROUND—**  
Anti-Japanese attitude of Chinese in face of extended Japanese invasion into China cited by Tokyo government and military chiefs as bar to conclusion of peace at early date. Plans prepared by military for carrying on war in China for four years. All economic and military resources would be marshaled to completely subjugate China.

**By the Associated Press.**  
TOKYO, Jan. 10.—An imperial conference was summoned today to meet in the presence of Emperor Hirohito tomorrow to decide formally Japan's unshakable policy toward China.

Only twice before has such a conference been held in Japan. The time of the Chinese-Japanese war and 10 years later, to meet the Russian-Japanese war crisis.

In London the British government declared opposition to any permanent changes in the administration of Shanghai as demanded by the Japanese. It was indicated Britain was ready to meet some of the Japanese demands for increased power, however.

The conference was ordered after Premier Prince Fumimaro Konoye placed before the Emperor the government's decision on future policy in China. Details of the plan were kept a strict secret, pending a decision by the imperial conference.

**Military Chiefs to Attend.**  
Chiefs and vice chiefs of the army and navy general staffs, the premier and the foreign, army, navy, home and finance ministers will attend the session.

Japanese press reports have been that the cabinet, in two days of conferences with the imperial headquarters, was drafting a program to "destroy the anti-Japanese administration in China."

The foreign office spokesman declared Japan was prepared either for peace or prolonged hostilities, and added that peace was impossible so long as China's Generalissimo Chiang Kai-shek maintained his anti-Japanese attitude.

The cabinet has been in session almost continuously in the last 48 hours, working out measures to be taken over the week end.

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## IMPROVED LIVING URGED BY DU PONT IN SENATE HEARING

### Declares Industries Would Be Stimulated and More Men Employed.

### SUPPORTS HIGH WAGES AND BIG BUYING POWER

### Industrialist Brushes With Byrnes Over Reluctance to "Tell Congress What to Do."

**BACKGROUND—**  
Desires of shaping long-range policy of leading unemployment relief. Senate last summer voted \$10,000 for special committee study of causes and cures of recurring economic crises. Sudden appearance of sharp business decline in last few months gave particular timeliness to inquiry.

**By JOHN C. HENRY.**  
Committing himself to a belief in high wages and the increased buying power therefrom, Lamont du Pont, president of Du Pont de Nemours & Co., told the Senate Unemployment Committee today that America "can be prosperous only by securing better the diversified industries which use our products."

There must be continual development, one of the world's most powerful industrialist testified, of "new things for better living, which will on the one hand utilize the raw materials from farms, forests, and mines, and will on the other hand, help other industries to employ more people and contribute to a higher economic development."

An estimate that cotton textile employment declined from 457,000 in May to less than 300,000 in December, with the working week reduced from an average of 38.3 to 25.30, was submitted to the committee by Claudius T. Murphree, president of the Cotton Textile Institute. Production activities are a 50 per cent level of last May, he said.

Outlining in brief what he felt should be done or left undone, Mr. Murphree said:

"At the head of the list comes the processing tax as a form of taxation which past experience teaches us should be scrupulously avoided. It is trade destroying in character and wholly unfair and inequitable in its application to every group affected. It is injurious alike to farmer, mill and consumer. The very name should be anathema in any program of tax legislation."

"Equally apparent is the obvious necessity of repealing the undistributed surplus tax or at least so modifying it that it no longer constitutes an insuperable obstacle to sound financial management."

**Regulatory Power.**  
The experience of the last four years likewise teaches that the regulatory powers of the central government should be directed only to those purposes which are general, fundamental, clearly necessary and fully apparent to the general public. Not less important than the purposes aimed at are the means employed to accomplish them. The danger of lodging vast discretionary powers in the hands of central administrative or quasi-judicial agencies has been amply demonstrated.

"The industry's fear of the growing bureaucratic control is well justified. The expansion of that method of regulation cannot be accomplished without corresponding loss of judicial procedure as it has been traditionally practiced in the United States. It is one thing to have clearly defined wage and hour standards enforceable through the courts and quite another matter to have those standards administered by our anti-trust laws. Regulatory policy should take this possibility into account."

"Many of the evils of our competitive system could be overcome by the voluntary efforts of industry were the operative action possible under our anti-trust laws. Regulatory policy should take this possibility into account."

Mr. du Pont's appearance was enhanced by a brush with Committee Chairman Byrnes, occasioned by the (See UNEMPLOYMENT, Page A-4)

### Mrs. Roosevelt Not Opposed to Woman on Bench

### Refuses, However, to Predict Appointment to Supreme Court.

Mrs. Franklin D. Roosevelt, if asked at her press conference today, favored the appointment of a woman to the Supreme Court, refused to predict such an appointment, but declared:

"I can see no reason why the choice should not be based on the person rather than the column of view of sex."

To a direct question as to whether she believed a woman would be appointed to succeed Justice Sutherland, who will retire January 18, Mrs. Roosevelt replied:

"That's something I can't tell you." The President's wife denied a recent report that a group of Vassar College students staged a planned walkout during one of her lectures on housing. Informed by press women that Walter Winchell had carried the report, Mrs. Roosevelt said she had not seen the column, but it was so reported. "Mr. Winchell erred."

Her daughter, Mrs. John Boettger, who recently underwent an operation in Seattle, Wash., is "better," Mrs. Roosevelt said, but it is expected that it will require her some time to recover her strength.

Some of the copies of The Star are left in the center fold of the paper by a patented process in printing. The Star is experimenting with this idea and if you, the reader, received one of these copies and find it helpful in turning the pages, will you please write or telephone your comments to the Circulation Manager, National 5000.